

# ***NEWS RELEASE***

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***OFFICE OF THE UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF CALIFORNIA  
San Diego, California***

***United States Attorney  
Carol C. Lam***

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***For Immediate Release***

**NEWS RELEASE SUMMARY** - March 9, 2006

United States Attorney Carol C. Lam announced today the unsealing of an 8-count indictment charging Mario Alvarez and Samuel McClaren, United States Supervisory Border Patrol Agents, with conspiracy to smuggle aliens for financial gain, conspiracy to commit bribery, bribery, false statement, smuggling aliens for financial gain, filing a false tax return, and criminal forfeiture. Also today, agents of the Department of Homeland Security, Office of the Inspector General, and agents of the Internal Revenue Service arrested Alvarez and McClaren on the charges contained in the indictment.

The indictment alleges that the defendants received cash bribes of approximately \$300,000 from members of an alien smuggling organization for the agents' participation in alien smuggling activity in the El Centro Border Patrol Sector. Specifically, the indictment charges that the defendants, who were assigned to the Mexican Liaison Unit in El Centro and assigned to administer the Guide Identification Prosecution Program ("GIPP"), unlawfully released or facilitated the unlawful release of numerous previously apprehended illegal aliens from the custody and control of Customs and Border Protection, Department of Homeland Security, and returned the illegal aliens to members of the alien smuggling organization in exchange for cash payments.

The indictment identifies GIPP as a bi-national effort of the United States and Mexico, through which the United States Border Patrol works in conjunction with Mexico's Attorney General's office to prosecute alien smugglers. Under GIPP, alien smugglers who are not prosecuted in the United States are to be deported and removed to Mexico for prosecution by the Mexican authorities.

Additionally, the indictment alleges that the defendants unlawfully released or facilitated the unlawful release of previously apprehended members of the alien smuggling organization, also illegal aliens, from the custody of the Department of Homeland Security in exchange for cash payments. In one instance described in the indictment the defendants transported a member of the alien smuggling organization in a U.S. government vehicle from the Immigration and Customs Enforcement Service Processing Center in El Centro, California, to the Wal-Mart parking lot in Calexico, California, where this individual was released in exchange for a cash payment of approximately \$6,000.00.

United States Attorney Lam said, "There can be no pursuit of justice where our law enforcement agents are corrupt. If the defendants have chosen this path, they will face the consequences."

Richard L. Skinner, Inspector General of the U.S. Department of Homeland Security (DHS), Office of Inspector General (OIG) said, "The U.S. Customs and Border Protection (CBP) is comprised of many dedicated men and women who work to protect our borders and our national security. The alleged conduct of these two CBP Border Patrol agents is serious and disturbing. We remain committed to working with our internal and external partners to aggressively investigate all allegations of corruption to protect our borders and the integrity of DHS personnel, programs, and operations."

Kenneth J. Hines, Special Agent in Charge, IRS Criminal Investigation, San Diego Field Office stated, "When corruption along our border involves U.S. law enforcement officials, it rocks the core and integrity of the law enforcement community as a whole. Internal Revenue Service, Criminal Investigation Special Agents will utilize their financial expertise to weed out those who disregard their oath to protect and defend the American public for personal financial gain."

Carl L. McClafferty, Chief Patrol Agent, U.S. Border Patrol, El Centro Sector stated, "Activity such as what is charged in the indictment is not indicative of the Department of Homeland Security or the

hard working, professional and scrupulous men and women of the United States Border Patrol, who put their lives on the line in defense of their country 24 hours a day, 7 days a week. The U.S. Border Patrol as well as the rest of the Department of Homeland Security will not tolerate any such criminal behavior on behalf of any of its personnel.”

"Law enforcement officers are held to a higher standard," commented Daniel R. Dzwilewski, Special Agent in Charge, Federal Bureau of Investigation. "The agents arrested today, who are supposed to represent the very best, epitomize the very worst. These men, however, do not embody the morals and values of the Border Patrol; an agency with outstanding men and women who work to keep our borders safe from terrorism and crime every day."

## **DEFENDANTS**

**Case Number: 06CR0466-JAH**

Mario Alvarez

Samuel McClaren

## **SUMMARY OF CHARGES**

Title 18, United States Code, Section 371 and Title 8, United States Code, Section 1324(a)(2)(B)(ii) - Conspiracy to Bring in Illegal Aliens for Financial Gain; Title 18, United States Code, Sections 371 and 201(b)(2)(A) - Conspiracy to Commit Bribery; Title 18, United States Code, Section 201(b)(2)(A) - Bribery; Title 18, United States Code, Section 1001(a)(3) - False Statement; Title 18, United States Code, Section 2 - Aiding and Abetting; Title 8, United States Code, Section 1324(a)(2)(B)(ii) - Bring in Illegal Aliens for Financial Gain; Title 26, United States Code, Section 7206(1) - Filing False Tax Return  
Title 18, United States Code, Section 982(a)(6) - Criminal Forfeiture

## **AGENCIES**

Department of Homeland Security, Office of Inspector General  
Internal Revenue Service, Criminal Investigation  
Department of Homeland Security, Immigration and Customs Enforcement  
U.S. Border Patrol  
Federal Bureau of Investigation

**An Indictment itself is not evidence that the defendants committed the crimes charged. The defendants are presumed innocent until the Government meets its burden in court of proving guilt beyond a reasonable doubt.**